

JUDGE THOMAS O. RICE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JAMES LEIGHTY,

Plaintiffs,

vs.

SPOKANE COUNTY, a municipal
corporation; SHERIFF JOHN
NOWELS, an individual; and
SPOKANE COUNTY
SHERIFF'S OFFICE, a subdivision
of a
municipal corporation,

Defendants.

No. 2:24-cv-00165-TOR

DEFENDANTS' MOTION FOR
OVERLENGTH RE:
DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

Date: July 1, 2024
Without Oral Argument

COME NOW Defendants Spokane County, Sheriff John Nowels, and
Spokane County Sheriff's Office, (hereafter collectively as "SCSO"), and

DEFENDANTS' MOTION FOR OVERLENGTH
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1 pursuant to LCivR 7(f)(5), move the Court for an Order permitting SCSO's
2 Response to Plaintiff's Motion for Preliminary Injunction to exceed the 10-page
3 limitation as set forth in LCivR 7(f)(2). As explained below, SCSO seeks approval
4 from the Court to exceed page limitation by 5 pages (5 pages over the 10-page
5 limit) due to the length of Plaintiff's Opening Memorandum and the alternative
6 arguments that must be addressed.
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10 I. AUTHORITY AND ARGUMENT

11 Pursuant to LCivR 7(f)(2), states that non dispositive motions shall not
12 exceed 10 pages, LCivR 7(f)(1) states that dispositive motion responses shall not
13 exceed 20 pages and this page limit "may only be exceeded by obtaining prior
14 approval of the Court. A motion to exceed page limits must demonstrate good
15 cause and recite the opposing party's position." LCivR 7(f)(1)-(5). Plaintiffs do
16 not object to up to an additional five pages of briefing per email from Plaintiff's
17 Counsel, Joe Shaeffer.
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22 Preliminary injunctions are often treated as dispositive motions in
23 determining the applicable rule for lengths of briefs. *Pac. Aero. & Elecs., Inc. v.*
24 *Taylor*, 295 F.Supp. 2d 1188, 1204 n.29 (E.D. Wash. 2003) Preliminary
25 injunctions addressing constitutional violations may also require more lengthy
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arguments. *Baird v. Bonta*, 8 1 F.4th 1036, 1042 (9th Cir. 2023)(internal citations omitted). Nonetheless, because the rule is not clear as to preliminary injunctions, Defendants request an additional 5 pages of argument.

II. ARGUMENT

A. This Preliminary Injunction Analysis Require Numerous Subparts Including Constitutional Analysis and the Proper Forum.

Defendants' Response must address not just the facts raised in Mr. Leighty's 60-page declaration and Mika Rothman's 49-page declaration but also the standard for Preliminary Injunctions, an analysis on what type of forum is at issue as well as an argument on the constitutional standard. The arguments were kept as short and concise as possible without being so brief as to be detrimental to Defendants.

The additional 5 pages is reasonable given the length of the briefing and the issues with their subparts that must be raised.

IV. CONCLUSION


For the reasons set forth above, SCSO respectfully requests approval from the Court to exceed page limitation by 5 pages (over the 10-page limit) due to the quantity and duplicity of Plaintiff's claims against SCSO.

1 DATED this 13 day of June 2024.

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4 EVANS, CRAVEN & LACKIE, P.S.

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6 /s/Heather Yakely
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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Braden Pence

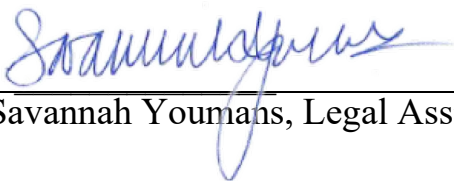
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Savannah Youmans, Legal Assistant

DEFENDANTS' MOTION FOR OVERLENGTH
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